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10/780,466	02/17/2004	Kyle Marvin	BEAS-01354US0	1399
23910	7590	12/18/2007		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER STEELMAN, MARY J	
			ART UNIT 2191	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,466	Applicant(s) MARVIN ET AL.	
	Examiner MARY STEELMAN	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-35 are pending.

Information Disclosure Statement

2. IDS received 10/30/2007 has been considered.

Claim Objections

3. In view of the amendment to claim 8, the prior objection to Claim 8 is hereby withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. See MPEP 7.35.01 Trademark or Trade Name as a Limitation in the Claim. Claim 17 contains the trademark/trade name JAVA. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or

6. Remarks received 07/30/2007 indicated that claim 17 was amended accordingly, but in fact it was not properly amended. Delete the word "JAVA."

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-27, 39, & 40 are rejected under 35 U.S.C. 101 because claim limitations are directed towards software per se, which is a non-statutory embodiment. The amendment to recite 'computer based framework' does not obviate over 'software per se'.

Claim language may be amended to recite: "A framework system for providing a reusable software control, said framework system comprising: a microprocessor, storage media ...", as supported by the Specification at [0076-0077].

Claim amendment to claims 14 and 21 claim a 'framework'...wherein the IDE is implemented using at least one processor and at least one memory. This is interpreted to be software per se. It is not sufficient to disclose that these hardware features are used. Rather specifying a 'system' claim, that claims a processor...memory will overcome the deficiencies.

Claim 35 is rejected under 35 U.S.C. 101 because claim language recites "a computer data signal embodied in a transmission medium..." Current guidelines exclude signals as statutory, as they are not considered a physical article or object to constitute a manufacture

within the meaning of 101, which enables the software to act as a computer component and realize its functionality.

Claim language may be amended to recite: "A computer program product storage medium comprising...", as supported by the Specification at [0077].

Response to Arguments

8. Applicant's arguments with respect to claims 1, 8, 14, 21, 28, and 35 have been considered but they are not persuasive.

Applicant has amended claims to recite "and wherein the graphical representation of the control includes a graphical representation of a programmatic interface for the control;"

Examiner's Response:

Ballard: See FIG. 6, graphical representation of controls found in toolbar. Programmatic interface for the control is found, as an example, by the print icon. Printing functionality / print API is represented by the icon. (See Specification [0025-0026] referencing "programmatic interface") See FIG. 6, the graphical representation of the control (in the toolbar) includes a graphical representation of a programmatic interface for the control (open the files, cut save, etc. programmatic interfaces are represented graphically.)

Examiner maintains the rejection of claims 1-35.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,111,243 to Ballard et al., in view of US Patent 7,062,718 to Kodosky et al.

Per claim 1, 14, 28, and 35:

A method for providing a reusable software control, comprising:

-incorporating the control into an Integrated Development Environment (IDE), wherein a graphical representation of the control can be interactively manipulated;

Ballard: FIG. 5 and related text at col. 17: 3-34, IDE 235 to add or modify user interface elements... on an application user interface 255 (reusable software control / component)...text, graphics, images, fields, buttons (reusable software controls / component)...user interface element is selected...is a customizable property

-wherein the graphical representation of the control includes a graphical representation of a programmatic interface for the control;

Ballard: See FIG. 6, graphical representation of controls found in toolbar. Programmatic interface for the control is found, as an example, by the print icon. Printing functionality / print API is represented by the icon. (See Specification [0025-0026] referencing “programmatic interface”)

-exposing services associated with the control and related to programmatically interacting with a portal;

Ballard: Col. 14: 60-67, col. 21: 53-55, server utilities, portal processor 365 that is used to handle the processing of data requests and instructions passed to and from user application interface 255

-wherein the control has a customizable interface.

Ballard: Col. 22: 41-43, A customized application user interface 255 optionally includes a number of configurable user interface elements each further including a number of configurable properties As an example, (col. 18: 60 – col. 19: 3) privileged user viewing options determined at development specifies column data to be made available for a specified user.

More explicitly, Kodosky disclosed that a graphic representation of the control can be interactively manipulated. As an example, (col. 27, line 19-35) “The user may also create one or more programs which perform a desired function within the distributed system using the configuration diagram...may create a graphical program which communicates with one or more measurement devices by dragging and dropping corresponding device icons into the graphical

program diagram (reusable software controls / components)...create a While loop structure...drag and drop device icons corresponding to sensors into the While loop structure, This may cause the graphical program diagram to be configured to access these sensors (a graphical representation of the methods) and read data (method) produced by theses sensors. This operation is described with respect to FIGS. 26 and 27A-E....read or write these data points...

Col. 31: 24-40, "...the user or system may create or assemble a configuration diagram which includes a device icon (controls) for each of the devices present in the system, program icons created for programs resident in the devices (graphical representation of the methods), and icons representing I/O channels, data points, named configurations etc.

Col. 52: 6-25, "A graphical program may be created on the computer system...by the user arranging on a display a plurality of nodes or icons and then interconnecting the nodes to create the graphical program...The nodes may be interconnected in one or more of a data flow, control flow, or execution flow format (graphical representation of the control includes a graphical representation of the methods)...may thus comprise a plurality of interconnected nodes or icons which visually indicate the functionality of the program (graphical representation of the methods)...may comprise a block diagram and may also include a user interface portion or front panel portion..."

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Ballard, using the teachings of Kodosky, because one would be motivated to (Kodosky, col. 2: 4-6) provide the capability for a user or developer to easily create, distribute and / or deploy applications. Showing a graphical representation of the control that includes a graphical representation of the methods simplifies program creation.

Per claims 2, 15, and 29:

-the services can include: a first group of services related to portal tracking;

Ballard: Col. 14: 60-67 FIG. 7 & Col. 18: 17-36,

-a second group of services related to portal personalization.

Ballard: Col. 18: 60-67, optional display properties per specified user col. 19: 16-17, configuration is applied to only one user interface element on a specific user interface for a specific user col. 27: 4-11, customization of the interaction models used for communication between internet application system 250 and the client displaying application user interface 255

Per claims 3, 16, 23, and 30:

-the interactive manipulation of the control includes: graphically connecting the control to other

controls to establish flow-of-control at run-time.

Ballard disclosed (col. 27: 4-5) customization of the interaction models, but failed to explicitly disclose 'graphically connecting the control to other controls to establish flow of control.

However, Kodosky disclosed a graphical programming environment, nodes (col. 2: 61-63) are connected to show flow of program control.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Ballard, using the teachings of Kodosky, because one would be motivated to (Kodosky, col. 2: 4-6) provide the capability for a user or developer to easily create, distribute and / or deploy applications.

Per claims 4, 17, and 31:

-the control includes annotated code.

Ballard: Col. 29: 28-44, HTML / Javascript...JAVA

Per claims 5, 18, and 32:

-the control can use other controls.

Ballard: Col. 9: 37-39 & 46-58, A functional property of a user interface element (control) can include logic, data processing and responsiveness to user input...The functionality of user interface elements also includes the underlying processes associated with each element.

...displaying error messages (in a text box control element), modifying the order of element focus...

Per claims 6, 19, and 33:

-specifying IDE characteristics of the control.

Ballard: Col. 10: 1-27, The user interface elements developed in step 50...customizable properties. These properties are either attributes of a predefined user interface element or are selected during the design of the element...Step 50 optionally includes determination of a data record used to hold value characterizing a customizable property of the user interface element and generation of metadata including a reference to the data record (IDE characteristics).

Per claims 7, 20, and 34:

-the services related to interacting with a portal can include one or more of: portal personalization, portal events and portal configuration.

Ballard: col. 27: 4-11, customization of the interaction models used for communication (portal personalization)

Per claims 8 and 21:

A method for providing a reusable software control, comprising:

- incorporating the control into an Integrated Development Environment (IDE), wherein a graphical representation of the control can be interactively manipulated by graphically connecting the control to other controls to establish flow-of-control at run-time;
- exposing services associated with the control and related to programmatically interacting with a portal;
- wherein the control has a customizable interface and wherein the graphical representation of the control includes a graphical representation of a programmatic interface for the control.

Ballard disclosed customizable control elements and IDE. Ballard disclosed customizing the portal communication interfaces, exposing services. See rejection of limitations addressed above. Ballard disclosed (col. 27: 4-5) customization of the interaction models.

Ballard failed to explicitly disclose:

- connecting the control to other controls to establish flow of control at run time.

Kodosky disclosed this feature. Kodosky disclosed a graphical programming environment, nodes (col. 2: 61-63) are connected to show flow of program control.

As an example, (col. 27, line 19-35) “The user may also create one or more programs which perform a desired function within the distributed system using the configuration diagram...may create a graphical program which communicates with one or more measurement devices by dragging and dropping corresponding device icons into the graphical program diagram...create a While loop structure...drag and drop device icons corresponding to sensors into the While loop

structure, This may cause the graphical program diagram to be configured to access these sensors (a graphical representation of the methods) and read data (method) produced by theses sensors. This operation is described with respect to FIGS. 26 and 27A-E....read or write these data points...

Col. 31: 24-40, "...the user or system may create or assemble a configuration diagram which includes a device icon (controls) for each of the devices present in the system, program icons created for programs resident in the devices (graphical representation of the methods), and icons representing I/O channels, data points, named configurations etc.

Col. 52: 6-25, "A graphical program may be created on the computer system...by the user arranging on a display a plurality of nodes or icons and then interconnecting the nodes to create the graphical program...The nodes may be interconnected in one or more of a data flow, control flow, or execution flow format (graphical representation of the control includes a graphical representation of the methods)...may thus comprise a plurality of interconnected nodes or icons which visually indicate the functionality of the program (graphical representation of the methods)...may comprise a block diagram and may also include a user interface portion or front panel portion..."

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Ballard, using the teachings of Kodosky, because one would be motivated

to (Kodosky, col. 2: 4-6) provide the capability for a user of developer to easily create, distribute and / or deploy applications.

Per claims 9 and 22:

Ballard: Col. 14: 60-67 FIG. 7 & Col. 18: 17-36

Per claims 10 and 24:

-the control includes annotated code.

Ballard: Col. 29: 28-44, HTML / Javascript...JAVA

Per claims 11 and 25:

-the control can use other controls.

Ballard: Col. 9: 37-39 & 46-58, A functional property of a user interface element (control) can include logic, data processing and responsiveness to user input...The functionality of user interface elements also includes the underlying processes associated with each element. ...displaying error messages (in a text box control element), modifying the order of element focus...

Per claims 12 and 26:

-specifying IDE characteristics of the control.

Ballard: Col. 10: 1-27, The user interface elements developed in step 50...customizable properties. These properties are either attributes of a predefined user interface element or are

selected during the design of the element...Step 50 optionally includes determination of a data record used to hold value characterizing a customizable property of the user interface element and generation of metadata including a reference to the data record (IDE characteristics).

Per claims 13 and 27:

-the services related to interacting with a portal can include one or more of: portal personalization, portal events and portal configuration.

Ballard: col. 27: 4-11, customization of the interaction models used for communication (portal personalization)

Per claims 36-41:

-wherein the control includes methods, wherein the graphical representation of the control includes a graphical representation of the methods.

Ballard: As an example, see FIG. 6, the “cut” icon (graphical representation of the control) in the toolbar, includes a graphical representation of the methods (scissors are a graphical representation of the methods used in cutting). Similarly, the icon for opening files shows a graphical representation of the methods used in opening files.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Notable Prior Art:

USPN 5,986,657 to Berteig et al.

Col. 4: 6-20, expandable and collapsible subpanels to a too bar or a too pad or other graphical user interface object...When expanded, the subpanel adds several related functions in the form of commands, icons, dialog boxes,...

USPN 6,061,695 to Slivka et al.

Col. 3: 16-30), An operating system shell synthesizes (IDE) the display for the desktop into a hypertext multimedia document format. The synthesized document includes the graphical icon oriented and menu driven user interface elements of the desktop (graphical representation of the control / graphical representation of a programmatic interface for the control), and also can include multi-media enhancements, such as text, graphics, sounds, animations, video, hypertext links, etc. These enhancements can add information or explanatory content to behavior of the desktop...The shell (shell object)...acts as...document viewing software to display...document as the desktop in a graphical user interface, preferably as a full-screen background display to a windowing environment. Col. 3: 31-32, "the shell synthesizes the...document from a template..." Col. 3: 40-54, The templates also contain document data for output in the synthesized document to cause embedding of a software object or objects in the displayed view of the synthesized document. These software objects implement the functionality of the desktop's graphical icon-oriented and / or menu driven user interface elements which control

operating system and / or file system services (programmatic interface for the control / interface to operating system services). When the synthesized document is then displayed as the desktop in the graphical user interface, the objects (the programmatic interface for the control) provide the user interface features and functionality (e.g., for launching application programs, opening documents and files, drag and drop functionality, etc) of the desktop. By embedding the objects in the synthesized document, these user interface features are displayed in combination with the multi-media enhancements by the shell (shell object).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei

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Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

12/05/2007

MARY STEELMAN
PRIMARY EXAMINER

